



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

AC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,545	03/14/2001	Yuu Suzuki	05905.0133	5622

7590 11/06/2002

Finnegan Henderson Farabow Garrett & Dunner
1300 I Street NW
Washington, DC 20005-3315

EXAMINER

MARKS, CHRISTINA M

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/700,545	SUZUKI ET AL.
	Examiner C. Marks	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 March 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 and 7. 6) Other: _____

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “206” has been used to designate both command buttons and top cover. Top cover is designated by reference character 208 in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 6-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim a multiple dependent claim cannot depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits and are withdrawn from consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Miyamoto et al. (US Patent No. 6,296,570).

Miyamoto et al. discloses an imaging processing apparatus that allows players to control a displayed object (Column 2, lines 31-36). Further, prompts are output corresponding to the operation of the displayed object in order to suggest key operations to the player (Abstract, lines 9-10). The message includes a display symbol for the plurality of keys to be operated on a sub screen (FIG 12, reference 31a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al. (US Patent No. 6,296,570) in view of Yamada et al. (US Patent No. 6,149,523).

Miyamoto et al. disclose an image processing apparatus that will provide messages to players based upon the actions of the player to suggest key operation. However, Miyamoto et al. lack instructing the player on if the keys they hit were the correct keys associated with the special action. Yamada et al. teach of further means to instruct a player on mastering a complicated operating sequence for a game controller operation by providing feedback.

Yamada et al. teach of instructing a player in the complicated operating sequence of a game controller by recognizing the input sequence by which the operating buttons are pressed and determining if the sequence matches a standard and correct sequence that is specified (Abstract, lines 3-9). Upon completion, a repeat prompt of the identification symbols are then used to inform the player whether input operations match or do not match based upon the determination (Column 5, lines 50-60). Yamada et al. display these symbols in the same window as the gaming story is displayed. However it would have been obvious to one skilled in the art at the time of invention to incorporate these symbols into their own sub-screen as shown by Miyamoto et al. in order to not interfere with the game presentation or progress.

Furthermore, it would have been obvious to one skilled in the art at the time of invention to incorporate the sequence matching means of Yamada et al. into the player prompting of Miyamoto et al. By this incorporation, it would be possible to inform the player if his or her input matched the input provided by the prompt. This would allow the player to become more skilled at a faster rate, as they would be visually informed of the incorrect, as well as correct, input to the game. This would further increase enjoyment among the players as they would take

pleasure in a game much more if they were to improve at a rapid rate due to viable and informative feedback in association with the prompts of key operation.

Claims 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al. (US Patent No. 6,296,570) in view of Yamada et al. (US Patent No. 6,149,523) further in view of Aoshima et al. (US Patent No. 6,241,524)

What Miyamoto et al. and Yamada et al. disclose, teach, and/or suggest is discussed above and incorporated herein.

Though Yamada et al. disclose their apparatus can determine when the keyed sequence is correct or incorrect and can be repeatedly used for practice, they do not disclose a means, based upon the result of the determination, to limit the execution of the advice prompt.

Aoshima et al. teach that when giving advice to players on how to operate a controller, it is best to use state judging means for judging a state of the game as well as an operational state from an operational history to select advice appropriate for the player (Column 2, lines 48-50). In this manner, both beginners and high rank players can enjoy the game apparatus, since a skilled player can enjoy the game without enduring any unwanted advice (Column 3, lines 1-3). Therefore, the presentation of the advice is axiomatically chosen by the results of a determining means.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teachings of Aoshima et al. into the apparatus as disclosed by Miyamoto et al. in view of Yamada et al. One skilled in the art would have been motivated to do so because by only providing a prompt based upon the results of the determining means, the apparatus would be more greatly appreciated by advanced and expert users. Advance and expert users often still

use the practice round to refine their operation control skills. It would not be necessary that these users need to be prompted for each sequence they desire to practice. This would allow these more advanced players to not be distracted by an unwanted prompt and therefore focus their concentration, without interruption, on the sole reason they entered the practice round, to refine their gaming skills.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent No. 5,393,071: Interactive vocal output from game to player based upon player operation.

US Patent No. 5,169,319: Teaching apparatus to aide players in mastering a video game by allowing player to observe his or her play through all levels of play.

US Patent No. 4,752,069: Video game apparatus that has a display device for displaying visual images showing the progress of the game. An operating member is manipulated by the player in accordance with instructions displayed on a video screen, for a period of time and direction, thus instructing the user how to play.

US Patent No. 5,377,997: Interactive gaming machine where messages in the game are relayed to the user. The message is produced and communicated to the user based upon actions in the game.

US Patent No. 6,018,121: Interactive system used in the training and instructing a user to play the drums.

US Patent No. 5,049,079: Simulation system used for instruction purposes, as well as training in the event of skiing.

US Patent No. 5,743,744: Method and apparatus for measuring and enhancing neuro-motor coordination. A response is received from the user and feedback is provided to indicate to the user the temporal relationship of the user's response to a predetermined reference signal.

US Patent No. 6,379,244: Music action game machine with an operation instructing device for giving the player a visual instruction to operate the operation members in accordance with the progress of play.

US Patent No. 6,450,888: Video game with operation guide devices to display operation guide screens.

US Patent No. 5,103,498: Intelligent help system that teaches a user to master the number of commands by tracking user input and presenting knowledge based upon an identifying sequence of one or more events or states.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Friday (7:30AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace can be reached on (703)-308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 for regular communications and (703)-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

C. Marks
October 24, 2002

MK EMH

MICHAEL O'NEILL
PRIMARY EXAMINER